

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MICHAEL MCKENZIE, INDIVIDUALLY
AND DOING BUSINESS AS AMERICAN
IMAGE ART, AN UNINCORPORATED
DBA,

Plaintiff,

vs.

ARTISTS RIGHTS SOCIETY, INC., AND
JANET HICKS,

Defendants.

Case No.: 1:22-cv-01619-MKV

DECLARATION OF SCOTT J. SHOLDER

SCOTT J. SHOLDER, being duly sworn, deposes and says:

1. I am a partner with the law firm of Cowan, DeBaets, Abrahams & Sheppard LLP, attorneys for defendants Artist Rights Society and Janet Hicks (together the “ARS Defendants”) in this proceeding. I make this declaration in support of the ARS Defendants’ Motion to Dismiss.

2. Attached hereto as Exhibit A is a true and correct copy of the agreement between Morgan Art Foundation and Robert Indiana from April 9, 1995.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: January 23, 2023

Respectfully submitted,
**COWAN, DEBAETS, ABRAHAMS &
SHEPPARD LLP**

By: /s/ Scott J. Sholder
Scott J. Sholder, Esq.

*Attorneys for Defendants Artists Rights
Society, Inc. and Janet Hicks*